

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY JEROME HAMILTON,
172463

Petitioner,

v.

CASE NO. 07-15391
HONORABLE STEPHEN J. MURPHY, III

MARY BERGHUIS,

Respondent.

_____ /

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner Jeffrey Jerome Hamilton has appealed the Court's opinion and judgment dismissing his habeas corpus petition as time-barred. Currently pending before the Court is Hamilton's motion for appointment of counsel to assist him with his appeal.

A notice of appeal generally "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (*per curiam*)). A district court lacks jurisdiction to address a motion for appointment of counsel after a notice of appeal is filed. *Murray v. Artl*, 189 Fed. Appx. 501, 504 (7th Cir. 2006) (unpublished). Accordingly, the motion for appointment of appellate attorney [Dkt. 16] is DENIED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 23, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 23, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager